

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LIFE TECHNOLOGIES CORPORATION,)
and)
APPLIED BIOSYSTEMS, LLC,)

Plaintiffs,

v.

BIOSEARCH TECHNOLOGIES, INC.,)
BIO-SYNTHESIS, INC.,)
EUROFINS MWG OPERON INC., and)
THE MIDLAND CERTIFIED REAGENT)
COMPANY, INC.)

Defendants.

CIVIL ACTION NO. 2:09-cv-00283-TJW-CE

DEMAND FOR JURY TRIAL

DOCKET CONTROL ORDER

It is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

09/04/2012	9:00 a.m. JURY TRIAL as reached at the United States District Court, 100 East Houston Street, Courtroom of T. John Ward, Marshall, Texas.
08/29/2012	Pretrial Conference - 9:30 a.m., in Marshall, Texas.
08/27/2012	Parties to file estimates of the amount of time they request at jury selection and trial for (1) voir dire, (2) opening statements, (3) direct and cross examinations, and (4) closing arguments.
08/22/2012	Motions <i>in Limine</i> due. The parties are ordered to meet and confer on their respective motions <i>in limine</i> and advise the court of any agreements in this regard by 3:00 pm the business day before the pretrial conference. The parties shall limit their motions <i>in limine</i> to those issues which, if improperly introduced into the trial of the case would be so prejudicial that the court could not alleviate the prejudice with appropriate instruction(s).
08/22/2012	Pretrial Objections to Exhibits due.
08/22/2012	Objections to Rebuttal Deposition Testimony due.

08/22/2012	Replies to Dispositive Motions (including <i>Daubert</i> motions) due.
08/15/2012	Rebuttal Designations and Objections to Deposition Testimony due. Cross examination line and page numbers to be included. In video depositions, each party is responsible for preparation of the final edited video in accordance with their parties' designations and the Court's rulings on objections.
08/08/2012	Pretrial Disclosures due. Video and Stenographic Deposition Designation due. Each party who proposes to offer deposition testimony shall file a disclosure identifying the line and page numbers to be offered.
08/08/2012	Joint Pretrial Order, Joint Proposed Jury Instructions with citation to authority and Form of the Verdict for jury trials due. Proposed Findings of Fact and Conclusions of Law with citation to authority for issues tried to the bench. Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings due. If a daily transcript or real time reporting of court proceedings is requested for trial or hearings, the party or parties making said request shall file a notice with the Court and email the Court Reporter, Susan Simmons, at lssimmons@yahoo.com.
08/01/2012	Responses to Dispositive Motions (including <i>Daubert</i> motions) due. Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> motions, shall be due in accordance with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances.</u>
08/01/2012	Parties to Identify Rebuttal Trial Witnesses.
07/25/2012	Parties to Identify Trial Witnesses.
07/03/2012	Dispositive Motions due from all parties and any other motions that may require a hearing (including <i>Daubert</i> motions) due. Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances.</u>
07/03/2012	Discovery Deadline.
60 days after claim construction ruling	Parties designate rebuttal expert witnesses (non-construction issues), Rebuttal expert witness reports due. Refer to Local Rules for required information.

30 days after claim construction ruling	Parties with burden of proof designate expert witnesses (non-construction issues). Expert witness reports due. Refer to Local Rules for required information.
15 days after claim construction ruling	Comply with P.R. 3-7 — Furnishing documents and privilege logs pertaining to willful infringement.
08/23/2011	Markman hearing at 9:00 a.m. at the United States District Court, 100 East Houston Street, Courtroom of T. John Ward, Marshall, Texas.
Prior to 08/23/2011	Mediation to be completed.
08/12/2011	P.R. 4-5(d) Chart due. Parties shall jointly submit a claim construction chart on computer disk in WordPerfect format or in such other format as the Court may direct in accordance with P.R. 4-5(d).
08/12/2011	Tutorials due. Deadline for parties, if they desire, to provide Court with tutorials concerning technology involved in patent. If a technical advisor has been appointed, each party that provides a tutorial shall provide a copy to the advisor.
08/05/2011	Comply with P.R. 4-5(c) — Reply brief and supporting evidence due re response to claim construction. If a technical advisor has been appointed the moving party is to provide their brief on disk or CD along with a hard copy, tabbed and bound in notebook format with exhibits to the advisor.
07/08/2011	Response to Amended Pleadings
07/01/2011	Comply with P.R. 4-5(b) — Responsive brief and supporting evidence due from each opposing party. If a technical advisor has been appointed the moving party is to provide their <i>Markman</i> brief on disk or CD along with a hard copy, tabbed and bound in notebook format with exhibits to the advisor.
06/10/2011	Amended Pleadings due from all parties. It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the deadline. However, if the amendment would affect infringement contentions or invalidity contentions, a motion must be made pursuant to Patent Rule 3-7 irrespective of whether the amendment is made prior to this deadline.

06/03/2011	Comply with P.R. 4-5(a) — The party claiming patent infringement shall serve and file an opening brief and any evidence supporting its claim construction. If a technical advisor has been appointed the moving party is to provide their <i>Markman</i> brief on disk or CD along with a hard copy, tabbed and bound in notebook format with exhibits to the advisor.
05/06/2011	Discovery Deadline — Claim Construction Issues.
05/06/2011	Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
04/08/2011	Comply with P.R. 4-3 — Filing of Joint Claim Construction and Prehearing Statement.
03/04/2011	Comply with P.R. 4-2 — Exchange of Preliminary Claim Constructions and Extrinsic Evidence.
02/04/2011	Comply with P.R. 4-1 — Exchange Proposed Terms and Claim Elements for Construction.
01/28/2011	Parties to exchange additional disclosures pursuant to Paragraph 3(B) of the Joint Agreed Discovery Order.
11/05/2010	Parties to submit Agreed Electronic Discovery Order to the Court.
09/24/2010	Parties to Meet and Confer regarding Agreed Electronic Discovery Order.
09/15/2010	Comply with F.R.C.P. 26(a)(1) — Exchange of Initial Disclosures and disclosures pursuant to Paragraphs 1 & 3C of the Joint Agreed Discovery Order.
07/22/2010	<p>Comply with P.R. 3-3 and 3-4 — Invalidity Contentions due. Thereafter, it is necessary to obtain leave of Court to add and/or amend invalidity contentions, pursuant to Patent Rule 3-6.</p> <p>Defendant shall join additional parties. It is not necessary to file a motion to join additional parties prior to this date. Thereafter, it is necessary to obtain leave of Court to join additional parties.</p>
06/09/2010	Parties to Submit Agreed Protective Order to the Court.

05/28/2010	<p>Comply with P.R. 3-1 and P.R. 3-2 — Disclosure of Asserted Claims and Infringement Contentions due. Thereafter, it is necessary to obtain leave of Court to add and/or amend infringement contentions, pursuant to Patent Rule 3-6.</p> <p>Plaintiff shall join additional parties. It is not necessary to file a motion to join additional parties prior to this date. Thereafter, it is necessary to obtain leave of Court to join additional parties.</p> <p>Plaintiff shall add new patents and/or claims for patents-in-suit. It is not necessary to file a motion to add additional patents or claims prior to this date. Thereafter, it is necessary to obtain leave of Court to add patents or claims.</p>
-------------------	--

SIGNED this 1st day of June, 2010.


CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE